

California Regional Water Quality Control Board
North Coast Region

Administrative Civil Liability Order No. R1-2006-0078

Mandatory Minimum Penalties

For

Violation of NPDES Monitoring and Reporting Requirements
Waste Discharge Requirements Order No. 97-24
NPDES No. CA0024040

In the Matter of

Mendocino County Water Works District No. 2
Anchor Bay Wastewater Treatment and Disposal Facility
WDID No. 1B83118OMEN

Mendocino County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), having received from Mendocino County Water Works District No. 2 (hereinafter Discharger) a waiver of the right to a hearing in the matter of mandatory minimum penalties pursuant to Water Code sections 13385, subdivisions (h) and (i) for failure to meet mandatory effluent requirements as required by Order No. 97-24 (NPDES No. CA0024040) and associated monitoring and reporting program, and having received Discharger's request for the opportunity to implement a Compliance Project in lieu of the penalty prescribed, finds the following:

1. The Discharger operates a wastewater treatment facility (WWTF). The WWTF is a collection, treatment and disposal site (hereinafter facility) located near the community of Anchor Bay on the Mendocino County coast in California. The WWTF is designed to provide secondary treatment and treated wastewater is discharged through Outfall No. 001 to 3.3 acres of forest land for irrigation, or through Outfall No. 002 to the Pacific Ocean.
2. On May 27, 1997, the Regional Water Board adopted Order No. 97-24, which prescribes waste discharge requirements and serves as an NPDES permit (NPDES No. CA0024040) for the discharge of treated wastewater from the facility to the Pacific Ocean and to 3.3 acres of forest land for irrigation.
3. Among the provisions in the Discharger's waste discharge requirements are the requirements to implement a discharge monitoring program and to

prepare and submit NPDES self-monitoring reports to the Regional Water Board pursuant to the authority of Water Code section 13383.

4. According to monitoring reports submitted by the Discharger, the Discharger exceeded effluent limitations 26 times during the period from January 1, 2000 through March 9, 2004.
5. Water Code sections 13385, subdivisions (h) and (i) requires that Regional Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and chronic violation. Water Code section 13385, subdivision (k) allows the Regional Water Board to direct all or a portion of the penalty toward a Compliance Project (CP) in accordance with Section X of the *State Water Resources Control Board's Water Quality Enforcement Policy* (Enforcement Policy).
6. On June 15, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R1-2005-0050 assessing a mandatory minimum penalty of \$45,000 for effluent violations as described in Finding No. 4 above. On July 14, 2005, the Discharger waived its right to a public hearing and requested to pay the sum of \$2,600 to the State Water Pollution Cleanup and Abatement Account (CAA) and spend the remaining sum of \$42,400 on a CP. The Discharger paid \$2,600 into the CAA on July 19, 2005.
7. A CP was received from the Discharger on October 12, 2005 as described in Attachment A incorporated herein. The Discharger proposes a CP to add staff at a cost of \$6,000 per year; clean entire collection system at a cost of \$3,134.73; replace 275 feet of collection system pipe at a cost of \$28,444.50; and clean and televise approximately 180 feet of six-inch main pipe in the subdivision at a cost of \$20,450.00. The total cost is at least \$58,029.23. Project completion is December 1, 2007. The proposed CP and time schedule are described in Attachment A incorporated herein.
8. A duly noticed public hearing on this matter was held before the Regional Water Board during a public meeting on September 20, 2006, in the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. The documents for the agenda item were provided to the Discharger prior to the hearing.
9. At the hearing, the Regional Water Board considered whether to affirm, reject or modify the proposed CP and any other action appropriate as a result of the hearing.
10. The Regional Water Board finds that the CP, as proposed, meets the criteria established in the State Water Resources Control Board's Enforcement Policy.

11. The issuance of this Order is an enforcement action to protect the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code, §§ 21000-21177) pursuant to title 14, California Code of Regulations, sections 15308 and 15321, subdivision (a)(2).
12. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review the action in accordance with section 13320 of the Water Code and title 23, California Code of Regulations, section 2050. The petition must be received by the State Water Resources Control Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED pursuant to Water Code section 13385 that:

1. The Discharger shall be assessed the mandatory minimum penalty in the amount of \$45,000. The Discharger has paid the sum of \$2,600 into the CAA. The remaining sum of \$42,400 is eligible to be permanently suspended upon satisfactory completion of the CP as described in Attachment A of this Order. The CP meets the criteria established in the Enforcement Policy and shall be completed on or before December 31, 2007, according to the following time schedule:

Task A: Staffing	This task has been completed. Report of completion due on or before 12/31/2006
Task B: Clear and televise Collection System	Progress report due on or before 12/31/2006 Final report due on or before 12/31/2007
Task C: Replace 275 feet of pipe located just prior to lift station (Pump Station #2) (75 feet have already been replaced, the remainder is scheduled to be completed summer, 2006)	Progress report due on or before 12/31/2006 Final report due on or before 12/31/2007
Task D: Clean and televise approximately 180 feet of six-inch main collection line in subdivision	Progress report due on or before 12/31/2007 Final report due on or before 12/31/2007

2. If, given written justification from the Discharger, the Executive Officer determines that a delay in the CP implementation schedule was beyond the reasonable control of the Discharger, the Executive Officer may revise the implementation schedule as appropriate. Written justification must be

received by the Executive Officer before the specific due date occurs, must describe circumstances causing the delay, and must state when each task of the CP will be completed.

3. The remaining penalty amount of \$42,400 shall be permanently suspended if the Executive Officer determines that the Discharger completes the CP and provides the Regional Water Board with the scheduled progress reports toward completion of the CP and the final report by December 31, 2007. The final report shall contain documentation of expenditures.
4. Notwithstanding the issuance of the Order, the Regional Water Board shall retain the authority to assess additional penalties for violations of the Discharger's Waste Discharge Requirements.

Certification

I, Catherine E. Kuhlman, Executive Officer,
do hereby certify that the foregoing is a full, true,
and correct copy of an Order adopted by the
California Regional Water Quality Control Board, North Coast Region,
on September 20, 2006

Catherine E. Kuhlman
Executive Officer